

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q92435

Shigeto UCHIYAMA

Appln. No.: 10/562,687

Group Art Unit: 1651

Confirmation No.: 3798

Examiner: Irene MARX

Filed: December 28, 2005

For: EQUOL-PRODUCING LACTIC ACID BACTERIA-CONTAINING COMPOSITION

**STATEMENT OF AVAILABILITY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, OTSUKA PHARMACEUTICAL CO., LTD., of 9, Kandatsukasa-cho 2-chome,  
Chiyoda-ku, TOKYO 1018535, JAPAN, declare and state that:

We are the Assignees of the entire right, title and interest of the invention described and  
claimed in the above-identified application, as evidenced by the Assignment recorded on  
December 28, 2005, at REEL 017431, FRAME 0015.

We agree that upon allowance and issuance of the above identified application into a  
United States Patent, restriction on availability of the following deposit will be irrevocably  
removed:

***Lactococcus 20-92***

which is designated in the specification of the above-identified application and was  
deposited under the terms of the Budapest Treaty at the International Patent Organism

STATEMENT OF AVAILABILITY  
U.S. Application No.: 10/562,687

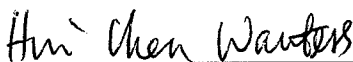
Attorney Docket No.: Q92435

Depository, National Institute of Advanced Industrial Science and Technology (Central 6, 1-1-1, Higashi, Tsukuba, Ibaraki, Japan 305-8566) under FERM BP-10036.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

  
Hui C. Wauters  
Registration No. 57,426

*On behalf of:*  
OTSUKA PHARMACEUTICAL CO.,  
LTD.

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: December 4, 2009

「特許手続上の微生物の寄託等の国際的承認  
に関するブダペスト条約」

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

下記国際寄託当局によって規則7.1に従い  
発行する。

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
Issued pursuant to Rule 7.1 by the INTERNATIONAL  
DEPOSITARY AUTHORITY identified at the bottom of this page.

原寄託についての受託証

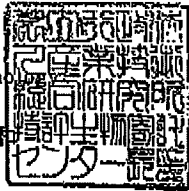
氏名 (名称)

寄託者

大塚製薬株式会社  
代表取締役社長 樋口 達夫 殿

あて名

〒 101-8636  
東京都千代田区神田司町2丁目9番地

I. 微生物の表示	
(寄託者が付した識別のための表示) Lactococcus 20-92	(受託番号) FERM BP-10036
II. 科学的性質及び分類学上の位置	
I欄の微生物には、次の事項を記載した文章が添付されていた。 <input checked="" type="checkbox"/> 科学的性質 <input checked="" type="checkbox"/> 分類学上の位置	
III. 原寄託申請の受託	
本国際寄託当局は、 年 月 日に受領したI欄の微生物を受託する。	
IV. 移管申請の受託	
本国際寄託当局は、平成 15 年 1 月 23 日(国内受託日)に受託したI欄の微生物を受託する。 (平成 15 年 1 月 23 日に寄託されたFERM P- 19189 より移管)	
V. 国際寄託当局	
独立行政法人産業技術総合研究所 特許生物寄託センター	
名称	International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology  センター長 山岡 正和 Dr. Masakazu Yamaoka, Director
あて名	日本国 茨城県つくば市東1丁目1番地1 中央第6 (郵便番号305-8566) AIST Tsukuba Central 6, 1-1, Higashi 1-chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan

平成 16 年 (04) 6 月 2 日

## TRANSLATION

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTER-  
NATIONAL DEPOSITARY AUTHORITY identified  
at the bottom of this page

Depositor : Name : OTSUKA PHARMACEUTICAL CO., LTD.  
Tatsuo HIGUCHI, President  
Address : 9, Kandatsukasa-cho 2-chome, Chiyoda-ku,  
Tokyo-to 101-8535, Japan

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the DEPOSITOR  Lactococcus 20-92	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:  FERM BP- 10036
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I above was accompanied by:  <input type="checkbox"/> a scientific description  <input type="checkbox"/> a proposed taxonomic designation	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it , (original deposition date.)	
<b>IV. RECEIPT OF REQUEST OF TRANSFER</b>	
This International Depositary Authority received the microorganism identified under I above on January 23, 2003(original deposition date), and received a request of transfer based on Budapest Treaty from FERM P-19189 deposited on January 23, 2003.	
<b>V. INTERNATIONAL DEPOSITARY AUTHORITY</b>	
Name : International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology  Dr. Masakazu Yamaoka, Director (seal)  Address : AIST Tsukuba Central 6, 1-1, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305-8566, Japan  June 2, 2004	